

REMARKS

This is in full and timely response to the Final Office Action dated June 8, 2010.

Claims 1, 4 and 6-9 are currently pending in this application, with claims 1 and 6 being independent. *No new matter has been added.*

Reexamination in light of the following remarks is respectfully requested.

Entry of amendment

i. This amendment prima facie places the case in condition for allowance, or alternatively, it places this case in better condition for appeal.

A. The features of claim 5 have been wholly incorporated into claim 1.

While not conceding the propriety of the rejections and in order to advance the prosecution of the present application, the features of prior claim 5 have been wholly incorporated into claim 1 along with the cancellation of prior claim 5.

No “further search and/or consideration” of amended claim 1 is believed required.

B. The features of claim 10 have been wholly incorporated into claim 6.

While not conceding the propriety of the rejections and in order to advance the prosecution of the present application, the features of prior claim 10 have been wholly incorporated into claim 6 along with the cancellation of prior claim 10.

No “further search and/or consideration” of amended claim 6 is believed required.

New non-final Office Action

At least for the following reasons, if the allowance of the claims is not forthcoming at the very least and a new ground of rejection made, then a **new non-final Office Action** is respectfully requested.

Prematureness

Applicant, seeking review of the **prematureness** of the final rejection within the Final Office Action, respectfully requests reconsideration of the finality of the Final Office Action for the reasons set forth hereinbelow. See M.P.E.P. §706.07(c).

Claim rejections - 35 U.S.C. §101

i. Claim 6 has been amended.

While not conceding the propriety of the rejections and in order to advance the prosecution of the present application, claim 6 has been amended.

The Commissioner now states “that ***computer programs embodied in a tangible medium***, such as floppy diskettes, ***are patentable subject matter under 35 U.S.C. Section 101*** and must be examined under 35 U.S.C. Sections 102 and 103.” *In re Beauregard*, 35 USPQ2d 1383, 1384 (Fed. Cir. 1995).

Claim 6 is drawn to *a computer program product embodied in a tangible non-transitory computer readable medium*, the computer program product being configured to optimize character string placement by performing operations comprising:

a first horizontal placement or a first tilting placement on all demarcated regions;

a pull-out placement on each demarcated region in which the first horizontal placement or the first tilting placement cannot be performed, assuming that the character string placed in the first horizontal placement or the first tilting placement has not been placed;

a second horizontal placement or a second tilting placement to place the character string placed in the first horizontal placement or the first tilting placement, and, when the placement cannot be performed because of the character string placed through the pull-out placement, nullifying the character string placed through the pull-out placement hindering the placement, thereby placing the character string through the second horizontal placement or the second tilting placement; and

a centering placement to arrange the already placed character string in such a manner that the distances between demarcated region segments that demarcate the demarcated region and dots on character string region segments that demarcates the character string region are made uniform, after the first horizontal placement or the first tilting placement.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

Claim rejections - 35 U.S.C. §103

ii. Page 21 of the Office Action includes a rejection of claims 1 and 4-5 under 35 U.S.C. §103 as allegedly being unpatentable over Japanese Application No. 08-167039 (Kobari) in further view of U.S. Patent No. 6,868,524 (Fushiki) and U.S. Patent Application Publication No. 2004/0001628 (Ozawa).

A. The features of claim 5 have been wholly incorporated into claim 1.

While not conceding the propriety of the rejections and in order to advance the prosecution of the present application, the features of prior claim 5 have been wholly incorporated into claim 1 along with the cancellation of prior claim 5.

No “further search and/or consideration” of amended claim 1 is believed required.

Amended claim 1 includes *means for centering placement to arrange the placed character string in such a manner that the distances between the demarcated region segments that demarcate the demarcated region and dots on character string region segments that demarcate the character string region are made uniform.*

1. Japanese Application No. 08-167039 (Kobari) fails to disclose, teach, or suggest means for centering placement to arrange the placed character string in such a manner that the distances between the demarcated region segments that demarcate the demarcated region and dots on character string region segments that demarcate the character string region are made uniform.

Page 33 of the Office Action readily admits that Kobari does not expressly disclose placing the label in the center.

2. U.S. Patent No. 6,868,524 (Fushiki) fails to disclose, teach, or suggest means for centering placement to arrange the placed character string in such a manner that the distances between the demarcated region segments that demarcate the demarcated region and dots on character string region segments that demarcate the character string region are made uniform.

Page 33 of the Office Action readily admits that Fushiki does not expressly disclose placing the label in the center.

3. U.S. Patent Application Publication No. 2004/0001628 (Ozawa) fails to disclose, teach, or suggest means for centering placement to arrange the placed character string in such a manner that the distances between the demarcated region segments that demarcate the demarcated region and dots on character string region segments that demarcate the character string region are made uniform.

Figures 22A and 22B of Ozawa are provided hereinbelow.

FIG.22A

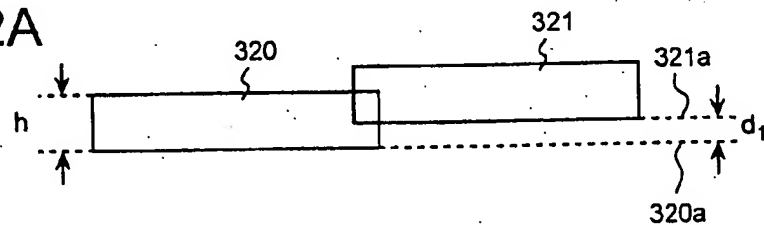
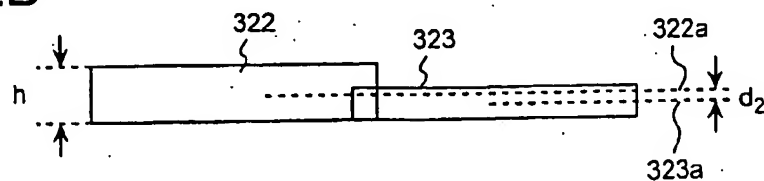


FIG.22B



Page 31 of the Office Action asserts that:

However, Ozawa discloses a computer program of placing character string aligned with horizontal lines including the centerline and specifying a centerline so as to place the character string along the centerline (Ozawa Figs. 22A-22B as disclosing specifying the centerlines of the bounding boxes and Fig. 26A-26B as disclosing placing a character string in a bounding box). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to have incorporated Ozawa's specifying a centerline of a bounding box and placing a character string along the centerline within the bounding box wherein each bounding box further comprises at least two horizontal guide lines.

However, Ozawa fails to disclose, teach, or suggest the specific prospective guide lines.

Furthermore, the Office Action fails to highlight any disclosure within Ozawa for teaching an arrangement of *the placed character string in such a manner that the distances between the demarcated region segments that demarcate the demarcated region and dots on character string region segments that demarcate the character string region are made uniform.*

Here, Ozawa is silent as to the presence of means for centering placement to arrange the placed character string in such a manner that the distances between the demarcated region segments that demarcate the demarcated region and dots on character string region segments that demarcate the character string region are made uniform.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

iii. Page 32 of the Office Action includes a rejection of claim 5 under 35 U.S.C. §103 as allegedly being unpatentable over Japanese Application No. 08-167039 (Kobari) in further view of U.S. Patent No. 6,868,524 (Fushiki), U.S. Patent Application Publication No. 2004/0001628 (Ozawa), and U.S. Patent No. 5,724,072 (Freeman).

A. The features of claim 5 have been wholly incorporated into claim 1.

While not conceding the propriety of the rejections and in order to advance the prosecution of the present application, the features of prior claim 5 have been wholly incorporated into claim 1 along with the cancellation of prior claim 5.

No “further search and/or consideration” of amended claim 1 is believed required.

Amended claim 1 includes *means for centering placement to arrange the placed character string in such a manner that the distances between the demarcated region segments that demarcate the demarcated region and dots on character string region segments that demarcate the character string region are made uniform.*

1. Kobari and Fushiki fail to disclose, teach, or suggest means for centering placement to arrange the placed character string in such a manner that the distances between the demarcated region segments that demarcate the demarcated region and dots on character string region segments that demarcate the character string region are made uniform.

For the purposes of brevity, the arguments presented hereinabove are incorporated by reference.

2. U.S. Patent No. 5,724,072 (Freeman) fails to disclose, teach, or suggest means for centering placement to arrange the placed character string in such a manner that the distances between the demarcated region segments that demarcate the demarcated region and dots on character string region segments that demarcate the character string region are made uniform.

Page 33 of the Office Action contends that column 8, lines 21-40 of Freeman discloses placing the label into the geographic center.

In response, column 8, lines 21-40 of Freeman discloses various "BRIEF DESCRIPTION OF THE DRAWINGS" while failing to disclose, teach, or suggest the placement of the label into the geographic center.

Instead, Freeman arguably discloses that the recommended location found in the label positioning step above determines the center of the window (Freeman at column 25, lines 23-25).

The first step in this refinement process is to refine process is to refine the approximately label position, by centering a small window (such as a 1/2".times.1/2" region) at each approximately label location and determining the distance from the center of said window to the nearest point on the region boundary (Freeman at column 29, lines 5-9).

Nevertheless, Freeman is silent as to the presence of means for centering placement to arrange the placed character string in such a manner that the distances between the demarcated region segments that demarcate the demarcated region and dots on character string region segments that demarcate the character string region are made uniform.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

iv. Page 33 of the Office Action includes a rejection of claims 6-7 and 10 under 35 U.S.C. §103 as allegedly being unpatentable over Japanese Application No. 08-167039 (Kobari) in further view of U.S. Patent No. 6,868,524 (Fushiki) and U.S. Patent No. 5,724,072 (Freeman).

A. The features of claim 10 have been wholly incorporated into claim 6.

While not conceding the propriety of the rejections and in order to advance the prosecution of the present application, the features of prior claim 10 have been wholly incorporated into claim 6 along with the cancellation of prior claim 10.

No “further search and/or consideration” of amended claim 6 is believed required.

Amended claim 6 includes *a centering placement to arrange the already placed character string in such a manner that the distances between demarcated region segments that demarcate the demarcated region and dots on character string region segments that demarcates the character string region are made uniform, after the first horizontal placement or the first tilting placement.*

1. Either individually or as a whole, Kobari, Fushiki, and Freeman fail to disclose, teach, or suggest *a centering placement to arrange the already placed character string in such a manner that the distances between demarcated region segments that demarcate the demarcated region and dots on character string region segments that demarcates the character string region are made uniform, after the first horizontal placement or the first tilting placement.*

For the purposes of brevity, the arguments presented hereinabove are incorporated by reference.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

v. Page 38 of the Office Action includes a rejection of claims 8-9 under 35 U.S.C. §103 as allegedly being unpatentable over Japanese Application No. 08-167039 (Kobari) in further view of U.S. Patent No. 6,868,524 (Fushiki), U.S. Patent No. 5,724,072 (Freeman), and Japanese Application No. 09-185696 (Yoshimura).

A. The features of claim 10 have been wholly incorporated into claim 6.

While not conceding the propriety of the rejections and in order to advance the prosecution of the present application, the features of prior claim 10 have been wholly incorporated into claim 6 along with the cancellation of prior claim 10.

No rejection of prior claim 10 is set forth within the rejection beginning on page 38.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

Official Notice

There is no concession as to the veracity of Official Notice, if taken in any Office Action. An affidavit or document should be provided in support of any Official Notice taken. 37 C.F.R. §1.104(d)(2), M.P.E.P. §2144.03. See also, *Ex parte Natale*, 11 USPQ2d 1222, 1227-1228 (Bd. Pat. App. & Int. 1989)(failure to provide any objective evidence to support the challenged use of Official Notice constitutes clear and reversible error).

Extensions of time

Please treat any concurrent or future reply, requiring a petition for an extension of time under 37 C.F.R. §1.136, as incorporating a petition for extension of time for the appropriate length of time.

Fees- general authorization

The Commissioner is hereby authorized to charge any deficiency in fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm).

The Commissioner is hereby authorized to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees.

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

Conclusion

This response is believed to be a complete response to the Office Action.

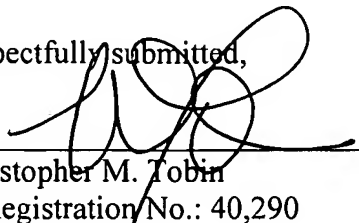
Applicants reserve the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers.

For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance.

Accordingly, favorable reexamination and reconsideration of the application in light of the remarks is courteously solicited.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753.

Dated: August 3, 2010

Respectfully submitted,

By _____
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